

# Exhibit 3 to Steiner Declaration

Neil A. Steiner

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LLP



## Partner

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### Practice Areas

Appellate > Class Actions > Complex Commercial Litigation >  
Strategic eDiscovery and Data Management >  
White Collar, Compliance and Investigations >  
International and Insolvency Litigation > Litigation > M&A Litigation >  
Securities Litigation/Enforcement >

Neil A. Steiner has extensive experience representing hedge funds, investment advisers, corporations and their senior executives in white collar defense matters; SEC, New York Attorney General and other regulatory investigations; internal investigations; securities litigation; and complex commercial disputes. Mr. Steiner's clients appreciate his astuteness as a business-oriented problem solver and the strategic skills he has gleaned from numerous trials. Since 2010, he has been recognized for his white collar and securities practice by *The Legal 500 US*.

Mr. Steiner has been defending J. Ezra Merkin and Gabriel Capital Corporation in litigations and arbitrations arising from investments that were lost in Bernard Madoff's Ponzi scheme. He recently obtained dismissal with prejudice of all claims asserted in a federal securities class action brought on behalf of investors in the hedge funds managed by Merkin that invested with Madoff (In re J. Ezra Merkin & BDO Seidman LLP Securities Litigation), has been defending claims brought by the New York Attorney General on behalf of investors and clawback claims by the SIPC trustee, and has tried a number of arbitrations brought by investors in the Funds.

Mr. Steiner has also been representing Family Management Corporation and its principals in securities litigation brought by their clients who invested in hedge funds that suffered losses in Madoff's Ponzi scheme. He successfully obtained dismissal with prejudice of securities class actions brought on behalf of investors in two Family Management-managed fund-of-funds that had indirect investments with Madoff (*Newman v. Family Management Corporation* and *Wolff Living Trust v. FM Multi-Strategy Investment Fund, L.P.*), and has been defending claims in state court and FINRA arbitration.

Mr. Steiner is a member of the Board of Trustees of the Lawyers Committee for Civil Rights Under Law. He was lead counsel for plaintiffs challenging the State of Ohio's failure to provide voter registration applications to applicants for public assistance, and obtained the Sixth Circuit's ruling, in a matter of first impression, that federal law required state officials to ensure compliance by political subdivisions of the State. The subsequent settlement of that litigation has resulted in more than 400,000 low-income Ohio citizens registering to vote in the last two years. Mr. Steiner is lead counsel for the Georgia State Conference of the NAACP in a similar litigation against the State of Georgia, and recently won a ruling that the federal law applies to public assistance applications submitted by telephone or over the internet in addition to in-person applications. He is also co-counsel with the American Civil Liberties Union in a litigation challenging the constitutionality of Wisconsin's voter identification laws.

Mr. Steiner oversees Dechert's participation in the Justice Resource Center's MENTOR program, through which he and a group of litigation associates mentor and coach the moot court and mock trial teams for the High School for American Studies in the Bronx. The team has consistently finished in the top three in the citywide moot court competition. He has also led the effort to expose the team members to the professional world and inspire them to excel and strive for greater achievements in their lives.

## EXPERIENCE

- Advising **the outside directors of Lehman Brothers** in various litigations, investigations and corporate governance matters related to Lehman's bankruptcy.
- Defending **offshore hedge fund** in clawback litigation brought by the Madoff SIPC trustee.
- Advising **European family office** on clawback litigation brought by the Madoff SIPC trustee arising from investments with Madoff made through an offshore feeder fund.
- Defending **leading milk processor** against interference with contract claims brought by a competitor arising from the supply of milk to Starbucks.
- Defeated competitor's application for an injunction seeking to prevent client from contracting with Starbucks.
- Defended **principals of casino management company** in decade-long litigation by lenders claiming interference with lenders' relationship with Indian tribe on whose reservation casino was located. Obtained summary judgment dismissing all claims and argued appeal, which affirmed dismissal.
- Obtained dismissal with prejudice of all claims against **GlaxoSmithKline** and its chief executive officer in the Paxil Securities Litigation (affirmed by the Second Circuit).

- Defended **Interactive Brokers** in a securities class action alleging misrepresentations in connection with its initial public offering, in which plaintiffs agreed voluntarily to dismiss with prejudice all remaining claims following the Court's decision dismissing the vast majority of the complaint.
- Defended **Monster Worldwide** in stock-drop ERISA claims brought by participants in the company's 401k plan (Taylor v. McKelvey (SDNY)).
- Defended **the alleged controlling shareholder of Friedman's Jewelers** in government investigations, securities class action litigation and bankruptcy litigation.
- Defended Dutch telephone company **Royal KPN N.V.** in securities litigation arising out of the KPNQwest bankruptcy (In re KPNQwest N.V. Securities Litigation and Appaloosa v. Qwest (SDNY)).
- Defended **Royal KPN N.V.** in securities litigation arising out of the initial public offering and subsequent bankruptcy of Infonet Services Corp.
- Defended **the founding shareholders of 360networks** in securities litigation arising out of the initial public offering of 360networks.
- Defended **the former chairman of the audit committee of Fannie Mae** in securities and derivative actions (In re Fannie Mae Securities, Derivative and ERISA litigation (DDC)).
- Defended **the former chief financial officer of U.S. Foodservice** (a subsidiary of Royal Ahold) in criminal, SEC and civil securities litigation.
- Represented several employees of **Bristol Myers** in grand jury and SEC investigations.
- Defended **senior executives of computer manufacturer** in internal investigation and SEC investigation.
- Represented **a UK hedge fund and its traders** in an SEC insider trading investigation.

## EDUCATION

- Duke University, A.B., 1994, *magna cum laude*
- Harvard Law School, J.D., 1997, *magna cum laude*

## ADMISSIONS

- New York